

said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted into full quarter-pound sections, and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16744. Misbranding of butter. U. S. v. Fifteen 32-Pound Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23950. I. S. No. 08747. S. No. 2091.)

On or about July 11, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of fifteen 32-pound cases of butter, remaining in the original packages at Jacksonville, Fla., alleging that the article had been shipped by the Dublin Creamery, from Dublin, Ga., July 8, (1929), and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The wrappers inclosing the article were labeled in part: "1 Lb. Net Weight Cloverbloom Pasteurized Creamery Butter * * * Armour Creameries, General Offices, Chicago, Distributors."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "One Pound," was false and misleading and tended to deceive and mislead the purchaser, since the packages did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the packages were short weight.

On July 24, 1929, Armour & Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that the packages contain 16 ounces net weight of butter.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16745. Adulteration of butter. U. S. v. 11 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24016. I. S. No. 06318. S. No. 2165.)

On or about August 2, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on July 17, 1929, the article had been shipped by the Hill County Creamery, from Havre, Mont., and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On August 20, 1929, the Hill County Creamery Co., Havre, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be repacked, under the supervision of this department, so that it conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16746. Misbranding of butter. U. S. v. 84 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24019. I. S. No. 03716. S. No. 2154.)

On July 23, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 84 cases of butter at Jersey City, N. J., alleging that the

article had been transported by the Eagle Grocery Co., Jersey City, N. J. from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 19, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The Eagle Grocery Company, finest Creamery Butter * * * One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On July 26, 1929, the Eagle Grocery (Co.), Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reprinted in full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16747. Adulteration and misbranding of butter. U. S. v. 94 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24147. I. S. No. 021239. S. No. 2306.)

On September 4, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 94 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Arrow Creamery Co., Hebron N. Dak., on or before August 20, 1929, and transported from the State of North Dakota into the State of New York, having been received on or about August 30, 1929, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 6, 1929, the Arrow Creamery Co., Hebron, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16748. Adulteration of canned salmon. U. S. v. 89 Cases of Chum Canned Salmon, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23972, 23973. I. S. Nos. 09931, 09932, 09933. S. Nos. 2220, 2221.)

On August 28, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 218 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mitkof Packing Co., from Juneau, Alaska, July 27, 1929, and transported from the Territory of Alaska into the State of Washington, arriving at Seattle on or about August 2, 1929, and charging adulteration in violation of the food and drugs act. The article was labeled variously: (Cases) "Halves Chum Mitkof Packing Co., Seattle;" "Cohoe Mitkof Packing Co. Seattle;" "Sockeye Halves."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 18, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.